

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROYAL YATES,)	
)	
Plaintiff(s),)	No. C05-1510 BZ
)	
v.)	ORDER DENYING DEFENDANT'S
)	MOTION FOR LEAVE TO FILE
GUNNALLEN FINANCIAL and CURT))	MOTION FOR RECONSIDERATION
WILLIAMS,)	OF ORDER DENYING MOTION TO
)	COMPEL ARBITRATION
Defendant(s).)	
_____)	

Defendant GunnAllen Financial's Motion for Leave to File a Motion for Reconsideration of this Court's Order Denying defendant's Motion to Compel Arbitration is **DENIED**.¹

Unlike in Reddam, 457 F.3rd 1054 (9th Cir. 2006), the agreement here clearly provides that disputes shall be determined by arbitration before the NYSE or NASD at plaintiff's election. The agreement in Reddam only stated that the *rules* of a particular forum would be controlling.

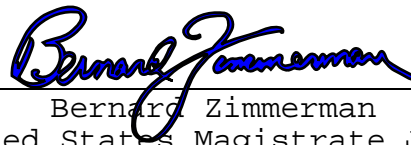
I also find that the language permitting plaintiff to

¹ All parties have consented to the jurisdiction of a United States Magistrate Judge for all proceedings including entry of final judgment pursuant to 28 U.S.C. § 636©).

1 select the forum constitutes an integral part of the agreement
2 to arbitrate not severable from that agreement. See id. at
3 1060. To ignore the language would be tantamount to erasing a
4 benefit explicitly granted to the plaintiff.

5 For these reasons, I find no need for argument and
6 defendant's motion is hereby **DENIED**.

7 Dated: October 5, 2006

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11 Bernard Zimmerman
12 United States Magistrate Judge

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